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Michèle Knodt ^a

^a Technical University Darmstadt, Institut für Politikwissenschaft ,
Germant

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ARTICLE

Strategies of Territorial and Functional Interests: Towards a Model of European Interest Intermediation?

MICHÈLE KNODT

Technical University Darmstadt, Institut für Politikwissenschaft, Germany

ABSTRACT Research on interest representation in EU governance has addressed different kinds of actors in somewhat different and independent discourses. This contribution will start from the specific requirements is demanding as well as opportunities the European multi-level system is offering to territorial and functional interest representation. The main question will be whether differentiations or similarities can be found in the comparison of functional and territorial interest representation. The contribution will elaborate on this question in the following section and assume that there are more similarities than differences within the use of strategies by territorial and functional interests. The contribution elaborates two explanations for the similarities and differences found. Empirical evidence is given in the second part of the contribution. It will be shown that we even find convergence within territorial and functional interest intermediation and how actors have learned from each other. In addition it will be revealed that other factors than the type of interest are responsible for persistent differences. A third short chapter points out that both types of interests work with complementary strategies to succeed within the European multi-level system. All in all, the contribution will speculate about whether it is possible to identify certain elements of a European model of interest intermediation across the different actor categories.

KEY WORDS: Representation, functional, territorial, multi-level governance, EU, democratic deficit

Correspondence Address: Michèle Knodt, Technical University Darmstadt, Institut für Politikwissenschaft, Residenzschloss, 64284 Darmstadt, Germany. E-mail: knodt@pg.tu-darmstadt.de

Introduction

Research on interest representation in EU governance has addressed different kinds of actors in somewhat independent discourses. A broad overview of functional interest representation has recently been provided by special issues and single articles on the ‘state of the art’ (see Beyers, Eising, and Maloney 2008; Coen 2007; Dür and De Bièvre 2007; Woll 2006). These publications present different approaches and research questions central to the analysis of EU functional interest intermediation. However, the contributions exclusively draw attention to business interest groups, social movements and NGOs, and do not address either territorial interest intermediation or the comparison with functional interest intermediation. The literature on territorial interest intermediation has developed separately and has been shaped by the discourse on the ‘Europe of the Regions’ of the mid-1980s (see Keating and Jones 1985; Anderson 1990; Borras-Alomar, Christiansen, and Rodriguez-Pose 1994; Boschma and Schobben 2000). The representation of regional interests within the multi-level system of the EU was a central topic analysed by several large-scale research projects on regional interest representation (see a.o. Kohler-Koch *et al.* 1998).

Thus, findings of the research community on functional interests have not yet been compared to analyses of territorial interest intermediation. The strategies of functional actors have been researched in detail (see Coen 1998; Bouwen 2002; Quittkat 2002, 2004, 2008; Eising 2004, 2007) and at least some literature on territorial strategies is also available (see Kohler-Koch *et al.* 1998; Knodt 1998, 2010; John 2000). But what can be said about these strategies in comparison? Hardly anything yet. Even in contributions which address both functional and territorial interest intermediation (Balme and Chabanet 2008), the question of a systematic comparison of interest intermediation strategies is not posed. Here, the double-sided construction of territorial interests — as legitimated constituencies of democratic systems on the one hand and actors within multi-level systems that pursue lobbying on the other hand — is not recognized. Rather the distinction between territorial and functional representation within democratic nation states is maintained. Functional interests are supposed to represent their specific profit- or non-profit-oriented interests through any channel possible for lobbying depending on their resources (see Piattoni, this issue). Territorial interests are defined as representatives of national or sub-national constituencies. Thus, they are supposed to represent their interests in the first place through their national representative institutions and in European institutions which represent national interests. But in multi-level systems such as the EU, marked by a lack of institutionalised representation for sub-national interests, territorial interests are also forced to represent their interests differently, i.e., via lobbying. Most obviously this was the case in the late 1980s when regions opened their ‘representations’ in Brussels (see below), which drew a corresponding scientific interest. But there exists no systematic research yet that looks at territorial interests as actors which have to represent their interests via both internal institutional structures and via external lobbying, and how they perform the latter in comparison with functional interests. This is because

the ‘manner in which territorial and functional (interests)... are represented in the EU does not quite fit our analytical and normative maps, which are normally drawn by reference to the nation-state’ (Piattoni, this issue). Thus, the special challenges of the multi-level context for territorial and functional interest intermediation in comparative perspective is not yet present in the literature.

This contribution will start from the specific requirements which the European multi-level system demands, as well as the opportunities it offers to territorial and functional interest representation. The main question will be whether differences or similarities can be found in the comparison of functional and territorial interest representation. The contribution will elaborate on this question in the following section and assumes that there are more similarities than differences between the strategies of territorial and functional interests. Possible explanations for the similarities and differences found will be presented, which open up new demand for research in this field. Empirical evidence is given in the second part of the contribution. It will be shown that we find convergence within territorial and functional interest intermediation and that actors have learned from each other. In addition it will be revealed that other factors than the type of interests are responsible for persistent differences. A third short chapter points out that both types of interests work with complementary strategies to succeed within the European multi-level system. All in all the contribution will reflect about whether it is possible to identify certain elements of a European model of interest intermediation across the different actor categories.

Analysing Similarities and Differences in Territorial and Functional Interest Intermediation

Because a detailed description of the EU as an interactive and communicative system of multi-level governance is developed in the introduction, some general remarks on its characteristics will be sufficient at this point. Governance in the European multilevel system, as elaborated by Hooghe and Marks (2001) and many others consecutively, is seen here as an ‘interpenetrated system of action’ (Grote, Knodt, and Larat 1996), which is characterised by various interlocking levels of governance. It is a polycentric system, containing various centres of decision-making formed by functional networks. Different public and private actors cooperate in multiple, overlapping arenas in order to generate binding decisions (Benz 2000, 152; Hooghe and Marks 2001). The organising principle of political relations within the European system is based on consensus, which helps actors to manage heterogeneity within political communities. Thus, EU policy-making is consensus-oriented and gives priority to problem-solving strategies rather than bargaining (Scharpf 1999). Combined with individual interests as the legitimate political unit of action, the governance of the EU could be categorised as ‘network governance’ (Kohler-Koch 1999, 23). Consensual policy-making relies heavily on interaction and communication between its entities (Knodt 2002b). Therefore, accumulation of

knowledge, collective learning, and the exchange of ideas and concepts are significant. Within the management of interaction and communication in multiple arenas and networks, the European Commission plays a prominent role as a policy entrepreneur (Knodt 2004). The Commission gathers information and develops guiding principles and ideas. For doing this, however, i.e., for communicating and interacting with representatives of regions, cities, business and civil society actors, the Commission performs an important broker function. Governance in the interpenetrated European system of action should be both efficient and legitimate. There is a deficient legitimizing mechanism of parliamentary representation. This has resulted in the dual role of sub-national territorial interests as well as in various attempts to establish alternative means of legitimizing the EU involving both territorial and functional actors. Suggestions range from a model of post-parliamentarianism consisting of loosely coupled arenas (Benz 2000), deliberative (Schmalz-Bruns 1999; Cohen and Sabel 1997; Eriksen and Fossum 2000) up to participative models (Heinelt 2002; Grote and Gbikpi 2002). Participative models, in particular, have been incorporated into political concepts.

If we acknowledge the special context of the multi-level system the first question that arises is whether differences or similarities can be found in the comparison of functional and territorial interest representation.¹ Do territorial and functional interests represent their interests in a similar or different way? Do they use similar strategies, or, is there even some kind of convergence of strategies? Having worked on either functional or territorial interest intermediation within the European multi-level system for many years (see Knodt 1998, 2005; Knodt and Finke 2005; Knodt and Quittkat 2004) it is reasonable to assume that there are similarities within the strategies and instruments used by both of the two types of interests. But it is also quite likely that we find similarities and differences beyond the distinction of territorial and functional interests. The present paper offers first empirical insights regarding the comparison of functional and territorial interest representation on the basis of available data; a comparative database for this research question is still missing.

If we can find similarities and differences which can not be explained by the type of interest, this would already be a first step to show that both categories are acting in the same way within the multi-level system of the EU. The question will be how to explain differences and similarities beyond the functional and territorial interest representation divide.

The first step towards an explanation is to have a look at different ways interests are incorporated in the decision-making process. Thus, it is argued in the logic of those authors who conceptualise the decision-making process and its windows of opportunities as external factors having an impact on interest representation. This perspective is taken by Streeck and Schmitter (1981) and their notion of the logic of influence as well as by the concept of the 'structures of political opportunity', addressed by Princen and Kerremans (2008), which map the types of access and participation within the EU.

From this perspective it can be observed that the European Union has tried over the past several years to develop strategies for the involvement of civil society actors (in a broad sense) that would increase the legitimacy of the European Union and provide additional expertise. By analysing various policy fields, it has become apparent that inclusion takes on different forms and that tension exists between the demand for legitimacy through involvement and the reality of inclusion. Various authors have addressed the EU efforts to provide legitimacy through civil society involvement. Thus, different forms of involvement have been identified and categorised. Steffek and Nanz (2008) came up with several criteria of civil society participation which multi-level institutions have to meet in order to provide legitimacy within the EU. Jarman (in this issue) categorizes different types of involvement by distinguishing a consultative and a collaborative model. Kohler-Koch and Quittkat (2011) identified different consultation regimes. Yet, these efforts do not sufficiently stress the different quality of types of participation. For the purpose of this paper, two different models of involvement will be distinguished (see Knodt 2005). The models are constructed according to five dimensions and their distinctive values: (a) the access of civil society actors to the European level; (b) governance mechanisms in the sense of political versus societal steering mechanisms (Kohler-Koch and Knodt 1999); (c) the conception of civil society actors; (d) their function within the political process; and (e) the function of the public for civil society participation. Each of these dimensions can have two values and therefore can be merged into two ideal types (for details see Knodt 2005).

In the first mode — in the sense of a Weberian ideal type — the consultative mode, involvement is for the purpose of consultation. In this case, decisions about the access of civil society actors to policy-formulation are made ad hoc and selectively. The dominating governance mechanism is sovereign governance with the selective inclusion of societal actors. Civil society actors are of interest merely for their resources and qualities (such as expertise, according to Schmitter's 'holder' concept; Schmitter 2002). Their inclusion should improve the qualities of decision-making and facilitate the implementation of policies. Moreover, civil society actors are intended to act as mediators to the public and work to gain support for the political decisions reached. In this context, the public is the arena for the mobilization of support for decisions at international level (Knodt 2005). In the second mode (deliberative communication mode), intended more for communication and deliberative procedural provisions of involvement, civil society actors experience broad inclusion in political decision-making processes. Thus, the mode is based on the communicative theory of Habermas (1998). The mode is characterised by the codification of inclusion and the existence of institutionalized access to inclusion procedures. Sovereign governance is therefore closely connected to societal governance. The interaction of political and societal actors is thus characterized by an understanding-oriented approach and civil society actors are considered to be advocates of legitimate interests (Schmalz-Bruns 2002). Special value is given to the integrative forums for the exchange of all good arguments, marked by their open and deliberative character (Habermas 1998, 166;

Habermas 1992, 23). It is assumed that this procures common welfare and that the quality of decisions is improved. As an overall achievement of this procedure, the legitimacy of the decision is increased. The public is, in this context, the arena for deliberative communication for the public exchange of reasoning and explanations (Trenz 2005). This ideal type is therefore closely associated with the criteria of political decision-making in deliberative arenas developed in democracy theory (Schmalz-Bruns 2002; Steffek and Nanz 2008) and can partially help dispose of demand for supposed lacking legitimacy (Knodt 2005).

The European Commission is trying to enhance its legitimacy in propagating the deliberative communication mode of involvement, especially within its White paper on 'European Governance' from July 2001. In this paper, the European Commission strongly argues in favour of stronger interaction with regional and local governments as well as civil society (in a broad sense). Even if it sees the member states as being mainly responsible for the achievement of stronger interaction, the Commission, for its part, would like to establish a more systematic dialogue with the representatives of regional and local governance as well as civil society organisations through national and European associations at an early stage of policy-making (European Commission 2001, 4). Therefore, wide participation should be ensured throughout the policy chain, from design to implementation (European Commission 2001, 10). This claim of the European Commission for strong deliberative and communicative involvement based on the principle of participation is undermined by its routine approach to gathering expertise, which mainly follows the consultative mode (Knodt 2005).² The use of the involvement mode just described depends to a great extent upon the Commission's decision how to create the dialogue and varies between functional arenas and policy fields. The mode of involvement has an impact on the strategies of the different actors who want to represent their interests at the European level. The more the Commission follows the consultative mode, the more the actors have to represent their interests in an aggregated manner. Thus, the networks of integrative social networks (as platforms) and the umbrella associations have good chances of getting their common interest represented, which has an impact on their strategies of interest intermediation. The more selective the mode of involvement, the more important it is for interests to establish access points to the European institutions, or even better, to penetrate them. The strategies resemble the inside venue, as explained by Beyers (2008) in reference to Kollman (1998) and Grant (2001). Beyers distinguishes two arenas: The inside venue which aims at the world of advisory bodies and committees is not or only partially visible to a larger audience, whereas outside venues refers to 'the communication among interest groups, policy-makers and citizens' and 'becomes visible to a broader audience' (Beyers 2008, 1189). The distinction between the inside and outside venue fits very well with the consultative and communicative mode of involvement and therefore should be treated together in the following. The strategy of secondment (which will be presented later in detail) could be seen as one end of a continuum from not being invisible to being partly visible

to a larger audience in regards to the participation of interests groups within advisory bodies and committees. In addition, the horizontal coordination of interest actors to improve their action and direct representation has to be seen as part of this inside strategy. The communication mode would lead to outside arenas being used as interest intermediation strategies, namely as 'venues where the communication among interest groups, policy-makers and citizens becomes visible to a broader audience' (Beyers 2008, 1189). Here, strategies will especially include the use of institutionalized access points like the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR), as well as the participation in the consultation instruments of the EU.

At this point, the question is whether functional and territorial interests react in the same way to the involvement of the European Institutions or if they use the potential strategies differently? The hypothesis is that the distinctive types of interest — functional or territorial — are not reflected in the different strategies of interest representation within the European multi-level system. There is no causal relation between the use of strategies and the type of interest. Rather the mode of involvement has an impact on the strategies and instruments used. Within a mode of involvement we expect to find convergence in the strategies and instruments, whereas divergences are expected to occur between different modes of involvement. Thus, the convergence of the functional and territorial interest strategies can be explained by the opportunity structure of the European multi-level system, and in particular the two different involvement strategies which seem to enable the use of similar strategies within one mode by territorial and functional interests.

A second variable which explains convergence between territorial and functional interest intermediation are learning processes. Learning processes are conceptualized here as processes of diffusion, as elaborated by Levi-Faur (2005). Levi-Faur points out that individual and collective action has to be interpreted as striving for external 'structural forces' as well as 'contagious diffusion'. He stresses the point that structural force alone cannot explain change. Diffusion can be described as a process 'by which an innovation is communicated through certain channels over time among members of a social system' (Rogers 1995, 5). The outcome of processes of diffusion and structural forces can be clustered behaviour or convergence (Levi-Faur 2005). This discussion is closely linked to the models of policy learning, rooted in the field of policy-analysis. Here the model of the 'lesson drawing' model of Rose (1991) should be taken up. It provides the possibility to focus on strategies. Rose identifies different kinds of lesson-drawing: (1) copying, i.e., the implementation of a program that is already in effect; (2) adaptation, which is nearly the same thing but adjusts the program or strategy to fit the new context; (3) 'hybrid' creation through combining elements of programs from two different places; (4) synthesis, which is nearly the same thing, but combines programs from many different places; and (5) inspiration to create something new (Rose 1993, 30). This model is abstract enough to cover policy programs and actor strategies, and can explain how different strategies can diffuse from one interest type to the other. By examining the devel-

opment of strategies, it can be assumed that it is likely that the different actor types have learned from each other, thus revealing a convergence of their strategies.

Different Strategies of Interest Intermediation within the European Multi-Level System

Looking at the strategies of interest intermediation of different actor types — territorial and functional — there are several main strategies that can be identified within the two main involvement strategies and the related inside and outside venues as described above.

(1) Strategies for Interest Representation in inside Venues of the EU through Consultative Involvement

A strategy within an inside arena that is completely invisible from the outside is secondment. The exchange of personnel between different administrations, known as secondment, has been more or less ignored as a strategy of functional interest intermediation in the EU by existing literature although this form of very informal access can be extremely effective. This instrument is only acknowledged in literature regarding policy-making at the national level or EU interest representation at the regional level — if at all. Especially in some German regions, the direct sending of regional administrative staff into the European Commission has to be seen as a strategy that has been successfully used for many years (see Knodt 1998, 2002a). It is particularly helpful in working out and implementing measures of regional politics, as well as research and technology politics. The civil servants sent into the Commission work there for a certain time span and their salaries continue to be paid by the region. Afterwards, they go back to their regional state service. In the case of Bavaria, this exchange is two-way, in that civil servants of the Commission work in Bavarian ministries for a certain amount of time. Mainly constitutionally strong regions out of the regionalised or federal member states have been using this strategy for some time.

The German functional actors in particular have started to copy this strategy. Since the mid-1990s, representatives of companies and associations have also been working in the Commission and have remained almost unnoticed by the public. The seconded business actors appear as regular Commission staff. The European Commission differentiates between ‘seconded national experts’ (SNEs) on the one hand, and ‘special advisers’ on the other. The latter are visible from the outside the Commission as business actors. The legal foundation for SNEs is a Commission Decision that was published in the beginning of 1998 (C(97)3402). Article 1 states:

1. The present Rules are applicable to national experts on detachment to the Commission and to national and international civil servants and private-sector employees serving with the institution under the staff exchange scheme. 2. The detached national experts covered

by these Rules shall remain in paid employment in an international, national, regional or local administration or in a salaried position in a private-sector firm throughout the period of detachment. (European Commission 1998)

This definition was modified in a new Commission Decision (C(2008) 6866) issued in 2008, making it harder but not impossible for functional actors to second employees into the Commission (European Commission 2008).⁴ The number of SNEs varies — in 2000 the Commission stated in response to another parliamentary request (2001/C163E/116), that the number of SNEs rose to 655, whereas 32 belonged to the private sector. The strongest countries of origin represented herein were (in this order) France, Germany and UK (European Parliament 2000).

The strategy of secondment is in the meantime pursued by both territorial and functional actors. Here it can be shown that functional actors have learned from the long-term experience of territorial actors. The German functional actors were among the first to apply the secondment strategy (Adamek and Otto 2008). Thus, it can be assumed that they first adopted it from the German territorial actors. There is close cooperation between functional actors and the German regional representation offices in Brussels. The diffusion from the territorial to the functional actors took place through the exchange of personnel between regional administration and the business community (Adamek and Otto 2008). Some of them even have functional representation offices incorporated within their representations, such as Baden-Württemberg. In addition, functional actors in the German national administration have practised secondment since 2002, which might have reinforced the diffusion of this strategy into the functional realm at the European level.

As another strategy, both actor categories try to construct transnational communication arenas¹ that also serve as lobbying instruments mainly within an inside venue which is partly visible and part of the consultative involvement. The European regions and municipalities thus cooperate beyond national boundaries. Their motivation is twofold: On the one hand, common problems need to be identified and solved; on the other hand, the co-operation serves better coordination and strengthening of interest representation on the European and, to a lesser extent, the national level. This is a main difference to the functional transnational co-operations which are centrally aimed at strengthening interest representation. Bundling and thereby strengthening their interests is a very important strategy within the consultative involvement type of the European Commission. Functional as well as regional and local actors represent their interests collectively at the EU level through European associations. The transnational European business associations, as well as NGO representations, are usually responsible for the EU level. Since most European associations have a very high degree of representation, they are best positioned to present an aggregated and — where possible — profound opinion of their companies to the European institutions, most specifically the Commission, which is crucial for a successful interest representation within the consultative type of involvement.

The Commission itself exerts influence on the European organisational structure through its clear preference for European interest representation. The Commission makes use of the Euro associations as a source of information for technical and economic questions. Through their filter function, Euro associations can offer information in their respective area of expertise to the Commission, which is already the outcome of an internal decision-making process of the national member associations (Knodt and Quittkat 2004). Thus, they are perfectly suited to fulfil their consultative function, as expected by the Commission within the consultative type of involvement. A single interest without a majority within the European association does not find its way to the European level, as would be requested by the communicative type of involvement.

Territorial interests are also collectively represented on the European level. On the regional level these are the 'Assembly of European Regions' (AER), as well as the conferences 'Europe of the Regions' (Heinelt and Niederhafner 2008) which were brought up during the discourse of a Europe of and with regions starting in the 1980s. The AER sees its function as a common decision body of the regions based on a broad foundation for its common actions within the EC context. The conference 'Europe of the Regions' contains a more ad hoc character and can be considered as a forum of the legally and materially strong regions. For local actors this would be the international co-operation within the International Union of Local Authorities (ILUA) and the Council of European Municipalities and Regions (CEMR) or the city network EUROCITIES, in which municipalities themselves are organised.

As some of the territorial actor associations were founded in the 1950s without being related to the European Communities, we witness a parallel strategy of interest representation with regard to the different actor types. Thus, we cannot find clear diffusion processes in the overall strategy. However, we can find some strategies used by territorial actors only, such as the co-operation of regions that are far apart from each other to represent their common interests as well as to strengthen the region in their own national states and the European system. The most prominent example is the working group 'Four Motors for Europe', made-up of the four regions, Baden-Württemberg, Rhône-Alps, Lombardy and Catalonia, which have been cooperating on different issues since 1988 (see Knodt 2002a). For local actors we can observe the inter-linkage of problem resolution, information generation and lobbying. Thus, local networks mainly serve for the exchange of knowledge and diffusion of innovative practices in city politics on the one hand, and offer support in the application for European funds as well as assertion of local interests as lobbying bodies, on the other hand (Zimmermann 2008, 19; Knodt 2010). The same holds true for the cross-border co-operation, which dates back to the 1970s and is especially carried out within the European structural funds through the Community initiative INTERREG.

However, this strategy of constructing transnational communication arenas as such can also be used by both actor categories as a strategy of communication involvement and an outside venue, if these arenas are used for

campaigning. This can be witnessed in the case of NGOs as well as business and territorial actors (see Knodt and Finke 2005).

Direct interest representation at the European level is one of the strategies used by both actor categories within the consultative involvement, which is also partly visible within the inside venue. It seems to be the most visible strategy because the representation offices at the EU level also have to demonstrate their work to the outside.

Direct representation of interests by functional actors can be witnessed since the beginning of the European Community. Firms employ dedicated representation in Brussels to lobby the European institutions. Nevertheless, national differences are found between member states; whereas lobbying by firms was comparatively rare in the 1990s in Germany, it has always been common in France and Great Britain (Van Schendelen 1993; Quittkat 2002; Eising 2007). On the European level, only multinational companies can afford direct lobbying because the resource expenses for a representation in Brussels are high. Even though there is the danger of independent company lobbying intruding with the filter and aggregation function and the associability of European and national associations, many associations do not consider the independent lobbying activities of their members as problematic; moreover, some regard it as complementary to their own efforts. This is due to their specific 'information-competence', which is inherent to the different actors. Multinational companies, in particular, are considered to have special expertise concerning national legal, tax and social law systems because they are most affected by the differences between the member states (Knodt and Quittkat 2004). Hence, they provide the demanded expertise within the consultative involvement. National associations also have direct contact to the EU level in the course of interest intermediation. This direct contact is important as the filter function of the Euro association screens out nationally concentrated minority opinions within the European association's position, so that these remain disregarded. Moreover, national associations exert more competence concerning legal questions and the assessment of political consequences because they are more familiar with the respective legal systems as well as the political atmosphere in their countries. Companies and national associations are following the whole policy cycle on the European level and try to insert their interests as early as the agenda-setting phase (Knodt and Quittkat 2004).

Territorial actors later started to directly represent their interests at the European level and copied their functional examples. Since the mid-1980s, regions have made an effort to reach the European level directly (see Greenwood, this issue; Knodt, Große Hüttmann, and Kotzian 2009). Hereby, regions in federal and regionalised states established a complementary structure to their involvement through the national state. It is important to note that this new strategy runs in addition to the interest representation of institutions of federal and regionalised states, and has at no time replaced these. Through the direct representations, regions in these states gained the possibility to introduce their interests into European politics for the first time, while additionally strengthening their position within the national state. Constitutionally weak regions used this strategy to get

their interests represented directly within the EU and also used this to fight for more constitutional rights within their national states, like the most prominent examples of the British and Spanish regions (see Lange 1998).

On the one hand, direct representation of regions serves to improve information about European politics, and on the other hand, their regional lobbying in Brussels (see Greenwood, this issue). The regions' information and liaison offices in Brussels are important instruments in this regard. The first of these were established in the mid-1980s. Opening these information and liaison offices provoked fierce controversy as they were seen as 'secondary foreign politics'. In the meantime, the direct representation of regional interests is accepted by all member states. Today, almost every region, irrespective of its constitutional setting within member states, is represented through its own office. Nowadays, cities and municipalities also go for direct representations in order to be better informed about European politics and fulfil a lobbying function in Brussels. These are being established at an increasing rate since the late 1990s and are being copied from the regions (John 2000; Knodt 2010).

Comparing the territorial interest representation of today with its beginnings, a considerable shift has taken place as shown by the new research that analysed the representation offices of the German *Laender* in comparison (Knodt, Große Hüttman, and Kotzian 2009). Taking the policy cycle of agenda-setting, policy formulation, decision-making and implementation, it can be observed that the functions of early warning systems and active networking with EU institutions gained most importance. These are both functions that are needed mostly to influence agenda-setting, policy formulation and decision-making. Through these developments, a shift from a concentration on the implementation phase to the early phase of agenda-setting and policy formulation took place in the function of *Laender* representatives. Thus, territorial actors now perform the development that functional actors have been exerting since the early phases of the EU, or at the latest, since the deepening of integration through the Maastricht Treaty — thus showing a learning process in which they have copied the functional strategy. The diffusion of these practices again seems to have come from the functional realm and been carried by staff who was recruited from firms and business associations by the regional representation offices (Knodt, Große Hüttman, and Kotzian 2009).

(2) Strategies for Interest Representation in Outside Venues of the EU through Communicative Involvement

A very visible strategy within the communicative involvement is the institutionalized participation through the institutional setting of the EC/EU. Territorial as well as functional interests are provided with European channels of institutionalised participation by the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR), even though they are only consultative bodies. The EESC is the oldest institution for interest representation, established by the 1957 Rome Treaties. It was especially set up to involve economic and social interest groups in the establishment of the common market and to provide expertise for the

European Commission and the Council of Ministers on European Community issues relevant at the time. Its role was reinforced by the different Treaty revisions and its organisational set up was up-dated. But its main purpose as an institutionalised channel for functional interest intermediation has not been changed (see Smisman 2000). Copying this model of the EESC, territorial actors pushed for their own committee at the beginning of the 1990s. With the negotiations of the Maastricht Treaty revision, the discussion around the representation of regional interests on the European level reached its peak. The regions' demands had achieved entry into the Maastricht Treaty (see Hrbek 2000; Christiansen and Lintner 2005). As one of the main demands, the Committee of the Regions (CoR), a regional consultative body, was created after the ideal of the EESC (Art. 198, Maastricht Treaty). Within the CoR, regional and local authorities can represent their interests directly and independently to the Council and the Commission, i.e., not through the governments of the member states. Even the German local actors have three representatives in the CoR, who are sent by the national municipal associations. However, it fulfils a merely consultative function, as well; its competencies are confined to the right of hearing and the right to submit statements (Hrbek 2000). The CoR has also changed over time. The Lisbon Treaty strengthens the CoR as it obliges the European Commission to consult with local and regional authorities and their associations across the EU as early as in the pre-legislative phase. Both bodies presumed to be representative and consultative bodies for common interests of specific types of actors rather than an effective way of getting the interests of single actors represented.

Influenced by the discussion to enhance the EU and especially the Commission's legitimacy, the Commission enriched its set of involvement strategies, as elaborated above. Thus, it has come up with a variety of instruments out of the communicative involvement such as online forums and policy forums as well as European Citizens' Conferences which are used by actors to represent their interests. As these instruments are analysed in detail by Christine Quittkat and Peter Kotzian in this issue, it need only be mentioned here that public authorities and their associations are also as functional interest taking part in these instruments, even if this is not their main strategy (for detailed participation pattern see Quittkat and Kotzian, this issue).

Conclusion

This contribution has identified new trails in comparing territorial and functional interest representation. It has been shown that both actor categories make use of similar strategies and that these strategies have converged over time despite still existing minor differences of actor specific strategies. Rather, the strategies were aligned at the involvement types of the EU. Within this contribution, two types of involvement were distinguished — a consultative and a communicative type. These types were linked to a more inside and more outside venue of interest intermediation. Functional and territorial interests applied different strategies according to these types of involvement. Both actor categories nowadays make use of

the strategy of secondment, construct transnational communication arenas and apply strategies of direct representation as part of an inside venue within the consultative involvement. The communicative involvement shows the strategies of both actor categories using institutionalized access points (EESC and CoR), joining online consultations and campaigning.

It has also been shown that the different actor categories are learning from each other and that the ideas of different strategies have diffused. For example, for territorial actors, the strategy of secondment depicts a customary strategy, whereas for functional actors, it is a new strategy. Thus, over time, both categories of interest intermediation have converged to a great extent.

Overall, it has been shown that both actor categories deploy all strategies and channels at the same time and thus work with complementary strategies. In the EU interactive multilevel system of action, operating at only one level or relying on one strategy does not lead to the intended effect. This does not mean that territorial and functional interests are interchangeable in analytical terms. Piattoni (this issue) provides us with fundamental knowledge about the differences of these two categories that coexist in their efforts of interest representation and with the specificities of territorial representation. Moreover, it is common sense that through their constitutional setting, regions are equipped with different competencies and are, therefore, more (e.g., Belgium and Germany) or less (e.g., France and the United Kingdom) involved in EC policy-making via the central state. However, this contribution should have made clear that both actor categories apply mainly the same strategies if they want to represent their interest successfully. Thus, a kind of European model of interest intermediation has been developed, which is shaped by the different types of involvement of the EU institutions and the challenges the multi-level system poses to territorial and functional interests. It is based much more on consultative inside venues than outside venues according to the communicative mode of involvement. It applies strategies for both arenas in a complementary way because neither territorial nor functional actors count on one single strategy to represent their interests within the European multilevel system.'

Notes

1. The analysis will especially look at sub-national actors as territorial interests.
2. The data used here is derived from the research projects 'The Europeanisation of Interest Representation' (EUROLOB — Eising; Kohler-Koch; Quittkat) and from the VW-Project 'Regions as unities of action in European politics' (REGE; see Knodt 1998; Kohler-Koch *et al.* 1998).
3. 68,8% of Euro associations represent 75% of its potential members (according to their statute), whilst only 55,5% of national associations in France, Germany and Great Britain have a similarly high degree of representativity (Knodt and Quittkat 2004).
4. For an example see the various projects of the 'Oberrheinkonferenz', where the chambers of commerce and the chambers of crafts are involved, <http://www.oberrheinkonferenz.org/de/themen-und-projekte/wirtschaft/projekte/> (accessed 26 August 2010).
5. See http://ec.europa.eu/civil_service/job/sne/index_en.htm (4 June 2010).

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